

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 25, 2006. Claims 25, 29 to 31 and 37 to 41 are in the application. Claims 25, 29 and 39 are independent. Reconsideration and further examination are respectfully requested.

Claim 25 was rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,933,811 (Angles), and Claims 29 to 31 and 37 to 41 were rejected under 35 U.S.C. § 103(a) over Angles in view of U.S. Patent No. 6,442,529 (Krishan). The rejections are respectfully traversed.

Independent Claim 25 defines an information appliance comprising a display having a working display area incorporating an advertising display area disposed within the working display area. The advertising display area is adapted to display advertising information independently of a plurality of different non-advertising applications being run on the information appliance, even when any of the plurality of non-advertising applications displays non-advertising information on the working display area. The information appliance also comprises input means adapted to accept a software upgrade for a non-advertising application, the software upgrade being configured to update advertising information, wherein the updated advertising information is displayed, independently of the plurality of non-advertising applications being run on the information appliance even when any of the plurality of non-advertising applications displays information on the working display area.

The applied references are not seen to disclose or to suggest the features of independent Claim 25, and in particular, are not seen to disclose or to suggest at least the features of an advertising display area adapted to display advertising information independently of a plurality of different non-advertising applications being run on the information appliance, even when any of the plurality of non-advertising applications displays non-advertising information on a working display area.

In entering the rejection of independent Claim 25, the Office Action once again misconstrues the claimed feature of a “display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance” by improperly limiting the feature to displayed “content.” For example, the Office Action asserts Angles discloses “said reserved display area being adapted to display advertising information independent of a non-advertising application (i.e. whatever content is being shown in the non-advertising area of electronic page 32)”. (Office Action, page 2)(emphasis added). In another example, the Office Action states “merging means showing the ad in a reserved display area (advertisement insert 56) while independently showing non-advertising content in the remainder of electronic page 32.” (Office Action, page 3)(emphasis added). In another example, the Office Action states “Applicant has misconstrued merging as meaning that the ad and content are related, which is to say non-independent. They are not. There is no teaching or suggestion that the ad is related or dependent on the content.” (Id.)(emphasis added). However, the words “content” or “independent of content” do not appear in Claim 25.

In this regard, the Office Action does not properly allege anticipation of Claim 25, since the alleged disclosure of Angles is not directed to the subject matter of

Claim 25. (See MPEP § 2131 ("The identical invention must be shown in as complete detail as is contained in the ... claim.")). In other words, while Angles arguably discloses the content of an advertisement is not dependent on the content of another area of a display, such disclosure is inapposite to the features of Claim 25. Accordingly, the rejection is traversed.

Moreover, Angles discloses a consumer uses internet browser software to display an electronic document 32, which contains a customized advertisement 30. (column 8, lines 33 to 67 of Angles). Thus, Angles is not seen to disclose or to suggest a display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance. Rather, the display of Angles' customized advertisement 30 is seen to be dependent on the user's internet browser software being run.

Likewise, Angles is not seen to disclose or to suggest an advertising display area adapted to display advertising information independently of a plurality of different non-advertising applications being run on the information appliance, even when any of the plurality of non-advertising applications displays non-advertising information on a working display area. The remaining applied reference, namely Krishnan, is not seen to cure the deficiencies of Angles, either alone or in any permissible combination. Accordingly, independent Claim 25 is believed to be allowable.

Independent Claims 29 and 39 are directed to a system and method, respectively. Among their many features, independent Claims 29 and 39 include a feature of advertising information displayed independently of a plurality of non-advertising applications being executed on the information appliance, even when any of the plurality of

non-advertising applications displays non-advertising information on the working display area.

As discussed above, Angles discloses a consumer uses internet browser software to display an electronic document 32, which contains a customized advertisement 30. However, Angles is not seen to disclose or to suggest advertising information displayed independently of a plurality of non-advertising applications being executed on the information appliance, even when any of the plurality of non-advertising applications displays non-advertising information on the working display area. The remaining applied reference, namely Krishnan, is not seen to cure the deficiencies of Angles, either alone or in any permissible combination. Accordingly, independent Claims 29 and 39 are believed to be allowable.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Frank L. Cire
Attorney for Applicant
Registration No.: 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 117410V1